

Chapter 13

Exploring Government Choices and Liberalism

Key Skill:

Evaluating the strengths and weaknesses of reasons and evidence in sources and in your own work

Key Terms and Concepts:

- parliamentary democracy
- Canadian Charter of Rights and Freedoms
- Constitution Act (1867 and 1982)
- Québec Charter of Human Rights and Freedoms

Key Issue:

To what extent should we embrace an ideology?

Related Issue:

To what extent are the values of liberalism viable?

Chapter Issue:

To what extent do democratic government practices reflect the values of liberalism?

Question for Inquiry #1:

In what ways do the actions of Canada's government reflect or go against liberal values?

Question for Inquiry #2:

In what ways can a democratic government enhance liberal values?

Consider the following scenario: a very valuable piece of school property has gone missing from the office. It is small enough to fit in a locker, and the principal assumes that a student has taken it and hidden it in his or her locker. Now all students are expected to open their lockers for their classroom teachers so an inspection can be done. No one is allowed to leave the school until all the lockers have been checked.

- Is it legal for the principal to order an inspection of every locker?
- To whom does a locker belong?
- Does an imposed locker search violate your rights and freedoms under the Canadian Charter of Rights and Freedoms? If so, how? If not, why not?
- What happens if the search for the valuable item uncovers another contraband item in a student's locker, such as alcohol or a weapon? Should the school be able to take action and discipline the student, even though the search was not intended to uncover the found item?
- Would it make a difference if the contraband item were a weapon?

Think about all these questions in the context of liberalism. If Canada is a liberal democracy, and liberalism advocates the right to individual property and privacy, could random locker searches violate liberal values?

In Canada, rulings have generally favoured the right of schools to do searches while still complying with the Canadian Charter of Rights and Freedoms. There are, however, limits. Principals must have reasonable grounds to search a locker or a backpack contained within it, and certain searches are off-limits, such as searches under students' clothing or random searches of students or their lockers.



▲ **Figure 13-1** What are your rights?

Chapter Issue:

To what extent do democratic government practices reflect the values of liberalism?

Think back to Chapter 2 where you studied the essential political values of liberalism: individual rights, freedoms, and the rule of law. Do you think an imposed locker search goes against any of these values? Whose rights is the principal protecting in the example above? Consider circumstances that might encourage a government to reject liberal values. Might a government act in an undemocratic manner and ignore liberal values when faced with challenges such as a war or an economic crisis? There are times when public security or the common good are the most important concern for the government. In those cases, they may not feel that the values of liberalism are viable.

In this chapter, we will examine situations in which government actions may not follow liberal values. We will also explore how governments may promote individual and collective rights. By considering these government choices regarding liberal values and individual and collective rights, you will continue to explore the Related Issue for Part 3: *To what extent are the values of liberalism viable?*, and investigate the Chapter Issue: *To what extent do democratic government practices reflect the values of liberalism?*

Liberal Democracy in Canada

Question for Inquiry

1. In what ways do the actions of Canada’s government reflect or go against liberal values?

In this section ...

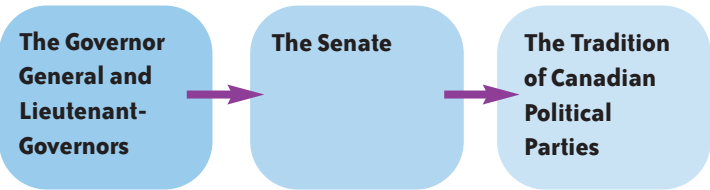


Figure 13-2 This 2004 cartoon uses an image of former prime minister Paul Martin to make fun of the costs of maintaining the governor general’s position in Canada. Former governor general Adrienne Clarkson was criticized by some for her travel expenses while in office. Clarkson maintained that promoting Canadian culture abroad was an important function of the governor general. To what extent do you agree with Clarkson? Does the spending of public funds by an unelected official go against liberal values? Why?



In Chapters 11 and 12, you investigated how political and economic systems reflect the values of liberalism, and you began to look at Canadian practices such as consensus decision making and representative and direct democracies. Canada’s political system, widely accepted as being democratic and reflecting the values of liberalism, has also been criticized for not being as democratic as it could be.

One reason for its apparent shortcomings could be the attitudes and practices that were common in the 19th century. Canada's political system was established in 1867 by the British North America Act. Canada's system is a constitutional monarchy based on the British parliamentary model. As a result, Canada has certain institutions, such as the monarch's representatives in Canada and the Senate, which could be seen to reflect a less democratic past.

The positions of the governor general and the lieutenant-governors, as well as the Senate, are sometimes criticized for not reflecting liberal values. Some Canadians believe that these features of Canadian government could be abolished, while many others believe they are important aspects of our system that could be reformed. In this section, you will consider some government offices and structures that may not reflect liberal values. In particular, we will examine

- the positions of governor general and lieutenant-governor in Canadian politics
- the role of the Senate
- the tradition of political parties in Canada

The Governor General and Lieutenant-Governors

In order to understand why some Canadians want to reform or abolish the offices of governor general and lieutenant-governors, it is important to consider a few questions about these offices:

- What was the original purpose of the office?
- Is this purpose still being fulfilled?
- What contributions do these people make to Canada?
- If we make changes to these offices, what will the outcome be?

The history of the governor general dates back to 1608 when Samuel de Champlain was appointed to govern New France. Britain also appointed governors in British North America and, as time passed, their role changed with the evolution of the Canadian government.

Currently, Canada is a **parliamentary democracy** and a **constitutional monarchy**—where we have an elected House of Commons, an appointed Senate, and a governor general. This means that Canadians recognize the queen as our head of state. Canada's governor general carries out Her Majesty's duties in Canada on a daily basis and is Canada's *de facto* (effective) head of state.

The governor general has four areas of responsibility:

1. to represent the Crown in Canada:
 - guarantees that we have a prime minister and government in place (for example, if our prime minister died, the governor general would be responsible for ensuring that a replacement be appointed or elected)
 - appears in Parliament, signs official documents, and meets regularly with the prime minister to encourage, warn, and be consulted

- summons Parliament, reads the Speech from the Throne, which sets out the government's program
 - gives Royal Assent to bills that have been passed by Parliament, thus making the bills law
2. to represent all Canadians and support our sovereignty:
 - acts as Commander-in-Chief of the Canadian Forces
 - receives prominent guests and foreign leaders and leads delegations to other countries to reflect Canadian interests, accomplishments, and knowledge
 3. to celebrate excellence:
 - on behalf of all Canadians, presents honours and awards, such as the Order of Canada; decorations for bravery; and awards for outstanding achievements, such as over 60 awards in the arts, social sciences, humanities, and sports
 4. to bring Canadians together:
 - promotes our national identity and unity
 - meets with Canadians regularly, participates in community events and listens to concerns of Canadians



▲ **Figure 13-3** In 2005, her Excellency the Right Honourable Michaëlle Jean was appointed governor general by former prime minister Paul Martin.

In the past, governors general were often former politicians and party members, but more recently they have been media personalities and **non-partisan** (that is, not affiliated with any political party). This change was made to make the role of the governor general more objective, since it is his or her job to give final approval to bills, as well as to dissolve Parliament and call an election in the case of a non-confidence vote.

Some of the main criticisms of the governor general's office are the following:

- Since the governor general is appointed by the queen and chosen by the prime minister, there is no consultation with the public, or citizen input in his or her selection.
- The governor general's position can be expensive to maintain.
- The governor general's role is unnecessary and outdated.

Since the governor general represents the queen, one proposal is to abolish the monarchy and dissolve our ties with the British Crown. Australia, which also has a governor general who represents the queen, held a referendum in 1999 to decide just that. The results in the Australian referendum were 55 per cent in favour of maintaining the monarchy, and 45 per cent in favour of abolishing the country's ties with the monarchy. Some Canadians are similarly proposing that we abolish Canada's ties to the monarchy:

"We've found that the more Canadians know about the monarchy, the less they want to keep it. There are so many aspects of the institution that just no longer reflect Canadian values. One of our mandates is to point that out to the public."

—Source: **Tom Freda (national director of Citizens for a Canadian Republic—a group that wants to remove the monarchy and establish a presidency in Canada),** quoted in **"Think of monarchy on Victoria Day, says republican group."** **Citizens for a Canadian Republic,** http://www.canadian-republic.ca/media_release_05_19_06.html.

Supporters of the office from the Monarchist League argue the following:

The monarchy is no longer the unifying epicentre of the Empire that it was in an earlier era. However, it serves to remind Canadians of a shared political heritage—one of which they have reason to be proud. At the same time, the Crown continues to play a crucial, if largely overlooked, role in anchoring and maintaining constitutional government in Canada. As part of what Peter Hennessy has called the ‘hidden wiring’ of the constitution, the monarchy ensures the proper functioning of parliamentary government.

—Source: The Monarchist League of Canada,

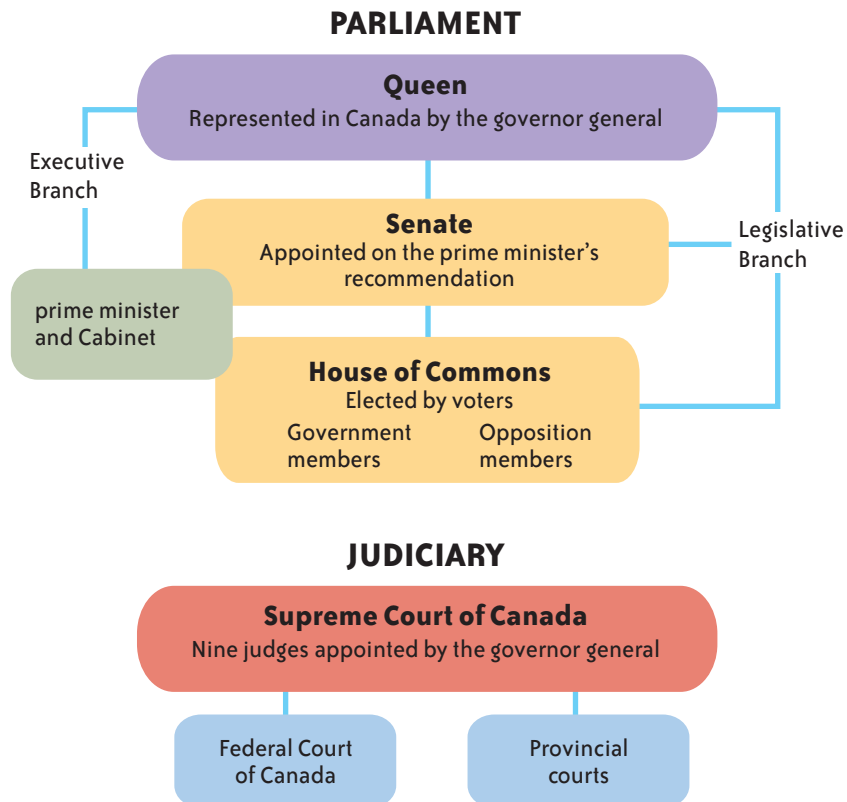
<http://www.monarchist.ca/cmn/2004/Sum04PDFRepublicanism.pdf>.

Do you think that having an appointed governor general to represent a hereditary monarch is representative of liberal values? Would you consider abolishing or reforming the position?

Critics raise similar questions when assessing the role of the provincial lieutenant-governors, who represent the queen in each province. Their role is essentially the same as the governor general’s, but on a provincial level. This means that they are the provincial heads of state, and sign provincial bills into law once they have passed through the provincial legislature.



▲ **Figure 13-4** The Honourable Norman L. Kwong of Calgary is a former professional Canadian Football League player and recipient of the Order of Canada. He was installed as Alberta’s 16th lieutenant-governor in 2005. He was also the first person of Chinese heritage to serve as lieutenant-governor of Alberta.



◀ **Figure 13-5** The structure of Canada’s parliamentary system of government

Source: Eugene Forsey, *How Canadians Govern Themselves*. 6th edition. (Ottawa: Library of Parliament, Public Information Office, 2005), p. 35. <http://dsp-psd.pwgsc.gc.ca/Collection/X9-11-2005E.pdf>.

Figure 13-6 The Senate Chamber is on the opposite side of the House of Commons in the Centre Block (the main Parliament building) in Ottawa. In what ways does having an appointed Senate support or go against liberal values?



The Senate

Based on the parliamentary tradition of Britain, the Senate was created in 1867 as an appointed upper house in the Canadian Parliament. It was intended to represent regional and minority interests in Canada and to make sure that new laws received careful consideration after the elected representatives proposed them. Sir John A. Macdonald, Canada's first prime minister, stated that it was to be a place of "sober second thought." The responsibilities of the Senate were outlined in the Constitution Act of 1867.

Many countries, including Britain, France, and the United States, have a bicameral (two-chamber or two-house) parliament or legislature. Each house has a different basis of representation. As Canada's House of Commons is based on representation by population, the more populated parts of the country have more MPs than those that are less populous. Therefore, the Senate was created to provide representation for regional and minority interests that might not be voiced in the House of Commons.

Senators are appointed by the governor general on the advice of the prime minister. They do not have to worry about being re-elected. The main function of the senators is to closely examine bills given to them by the House of Commons and suggest changes before they are passed into law. After the Senate approves a bill, it goes to the governor general who gives the bill Royal Assent (approval) and makes it law.

According to the Senate website,

Examining and revising legislation, investigating national issues and representing regional, provincial and minority interests: these are important functions in a modern democracy. They are also the duties of Canada's Senate. Senators represent; investigate; deliberate; and legislate... Today, Canada's Senate

consists of 105 senators from a wide variety of backgrounds and from every province and territory. Its membership is about one-third the size of that of the House of Commons, and it operates at about one-fifth of the cost. Senators consult in their home provinces or territories, and throughout Canada, and then gather in Ottawa in order to make their contribution to Canada's governance.

—Source: “What is the Senate?” Parliament of Canada website,
[http://www.parl.gc.ca/information/about/process/
Senate/senatetoday/what_is_the_senate-e.htm](http://www.parl.gc.ca/information/about/process/Senate/senatetoday/what_is_the_senate-e.htm).

Like the positions of governor general and lieutenant-governor, the Senate has been widely criticized for many years. Have you heard any of these criticisms about the Senate?

- They are chosen by the prime minister, not elected by the people, and can stay until age 75.
- They do not always show up for sessions, and still get paid taxpayers' money.
- They just vote the same way as the political party that nominated them.

Critics of the Senate have been around since Confederation in 1867. In fact, Parliament first considered Senate reform back in 1874. Both the NDP and Bloc Québécois parties have argued for the Senate's abolition; however, there have still not been any substantial changes made to the Senate. How might Senate reform address values of liberalism?

Today there are also many who have proposed plans for Senate reform. Three examples of proposed reforms are described in the table on the following page. Which reform do you believe could provide the best alternative? Why? To what extent do the proposed Senate reforms reflect values of liberalism?

There are also many who defend the Senate. They believe that by not needing to campaign for election, senators can be true to their beliefs. They can follow a vision for Canada that is farsighted, rather than just looking a few years ahead to the next election. Supporters of the Senate refer to the investigations and valuable reports the Senate has done on important public concerns such as health care, national security and defence, human rights, Aboriginal affairs, and fisheries. Also, they claim that the Senate is the only part of government where regions of Canada are represented fairly. Senators may be chosen because they have valuable knowledge, experience, or skills. Senators are often chosen by the prime minister because they represent minority voices that need to be heard. For example, in April 2007, 34 per cent of Canada's senators were women, 2 of whom were Aboriginal and 10 of whom were Francophone. Senator Serge Joyal had this to say about gender equality within the Senate:

“Honourable senators, we are all preoccupied with the credibility of this institution in which we work daily. Mind you, if this house becomes the only House of Parliament in Canada where gender parity [equality] is reached, many people will think twice before abolishing it. They would say that the

Senate is at least a place where equality exists in our land. Let us hope for that outcome.”

—Source: Serge Joyal, quoted in “International Women’s Week.” (Senate debates), March 10, 1999. Serge Joyal’s website, http://www.sen.parl.gc.ca/sjoyal/e/debates/womens_week.html.

Figure 13-7 ▼

Some Proposed Senate Reforms in Canada	
Proposed reform	Possible results of the reform
Election versus Appointment <ul style="list-style-type: none"> • Elected: choose senators through a democratic election process • Equal: equal representation of each province in the Senate, regardless of population • Effective: give the Senate the power to oppose the House of Commons 	<p>Positive</p> <p>This proposal could</p> <ul style="list-style-type: none"> • make senators more accountable to the wishes of the people • allow provinces with smaller populations and regional interests to avoid being outvoted by larger provinces • give the Senate the power to reject any bill, including those involving spending, taxation, or budgets <p>Negative</p> <p>This proposal could</p> <ul style="list-style-type: none"> • result in the Senate duplicating the role of the elected House of Commons • lead to reduced diversity in the Senate • lead to decision making tied to re-election and not necessarily to the long-term needs of citizens
Bill C-19: Limiting Terms of Service (proposed in 2008) <ul style="list-style-type: none"> • Eight-year Terms: limit years of service to eight-year, non-renewable terms • Retirement Age: remove mandatory retirement age of 75 for all new senators 	<p>Positive</p> <p>This proposal could</p> <ul style="list-style-type: none"> • reduce lengthy terms and increase turnover of senators • allow senators to have a fixed term of service regardless of the age at which they begin their term • allow the political party in power more opportunity to appoint new senators <p>Negative</p> <p>This proposal could</p> <ul style="list-style-type: none"> • lead to a Senate that is dominated by appointees from one political party
Bill C-20: Voting for Government Nominees (proposed in 2008) <ul style="list-style-type: none"> • Advisory Elections: allow the federal government to nominate new senators and have the public vote on which nominees should be appointed senator for their province; successful nominees would be considered by the prime minister when senate vacancies occur • Retirement Age: maintain current minimum (30) and maximum (75) ages for senators 	<p>Positive</p> <p>This proposal could</p> <ul style="list-style-type: none"> • allow new Senate appointments to be connected to elections and appear less linked to prime minister’s choices alone • allow the federal government to provide options for voting on Senate nominees, such as in provincial or territorial elections or in federal elections • still allow for the prime minister to appoint his or her choice <p>Negative</p> <p>This proposal could</p> <ul style="list-style-type: none"> • lead to the possible continuation of lengthy terms of service for senators

For many reasons, substantial changes have not yet been made to the Senate. One reason is that some possible changes can only be done through a constitutional amendment: abolishing the Senate, changing the method of selecting senators, changing the number of senators per province or territory, or changing their residency requirement. As well, both the Senate and House of Commons and at least two-thirds of the provinces (at least seven provinces) with at least 50 per cent of the population must agree to the changes.

Before changes are made to the Senate, Canadians must consider the anticipated and unanticipated consequences of Senate reform (see Figure 13-7), whether any changes made would reflect the values of liberalism, and whether the change is desirable and beneficial for the common good of Canadians.

The Tradition of Canadian Political Parties

Nowhere in our Constitution is it stated that we must have political parties. It is a matter of tradition. The United States has basically a two-party system, but in Canada, we have a multi-party political system, where each party has a different platform. As you read in Chapter 11, an election in a multi-party system can result in a minority government situation. Here are some aspects of political parties that many people consider to be contrary to liberal values:

- Representatives must follow the “party line,” or platform (the party’s position on an issue), in a practice known as **party solidarity**. They may have personal objections to a policy, or they may feel that they are not representing the voters who elected them; however, if a Member of Parliament (MP) does not accept the decisions of caucus (the meeting of the party where final positions are determined), he or she may be kicked out of the party. Sometimes MPs oppose a party policy so strongly that the only solution is to “cross the floor” of the House of Commons and join another political party.
- Majority governments can be somewhat dictatorial. If a party has a large majority, it may not worry about following the will of the people. A majority government can always get its laws passed and need not worry about criticism from opposition parties. This can weaken the parliamentary system, which is based on being able to keep the government in check through opposition questions and criticism.
- Minority governments, in an attempt to stay in power, may not tackle important issues or may weaken their position to convince other parties to support a law. They are always worried about not being able to continue as the government and losing a major vote, where they might be required to call a vote of non-confidence, and thus trigger an election.

Think about the benefits political parties bring to a democracy. Do any of these benefits reflect liberal values? If we did not have a multi-party

READING GUIDE

When analyzing sources and your own work, use the following questions to help you evaluate the strengths and weaknesses of arguments in response to issues. To what extent has the source or your work:

- **clearly and thoughtfully analyzed the issue and stated an informed point of view?**
- **presented a logical and convincing argument that respects the points of view of others while defending the position?**
- **supported the position with informed reasons and valid personal, historical, and contemporary evidence?**
- **communicated reasons and evidence in a way that respects varying perspectives while defending the position?**
- **effectively communicated and defended the position through careful selection of words and organization of ideas?**



PAUSE AND REFLECT

Look at the bulleted points regarding political parties. Are any of these issues currently in the news? How would each of these points show that the government’s actions may or may not reflect liberal values?



Figure 13-8 ▲ In 2006, Garth Turner, MP of Halton Hills in Ontario, was kicked out of Stephen Harper's Conservative Party of Canada because he refused to vote along party lines when he disagreed with a policy. Can you think of any liberal values that could be undermined by Turner's removal from the party?

system in Canada, can you think of an alternative system that could better reflect liberal values?

Critics of the party system often focus on the lack of transparency that occurs when a majority government is elected. Transparency is a measure of how much the public knows about what the government is doing. Governments in Alberta have traditionally been majority governments. They have often been criticized because their actions have not been transparent, meaning that it has been difficult to find out how the government operates or spends tax dollars. How does government transparency relate to liberalism?

In light of these criticisms, political parties may not necessarily reflect liberal values. From time to time, proposals are made to make the party system more reflective of these values and more accountable to the public, such as stricter laws to ensure that the party in power must reveal its sources of revenue and its spending or report its actions when asked.

Summary

The structure of the government through our **parliamentary democracy** and the conventions or traditions it practises may not always reflect liberal values. Examples of this include the role and practices associated with the governor general and the lieutenant-governors, the Senate, and political parties. Many Canadians, while acknowledging that Canada's political system is largely democratic, have suggested that it could be reformed to become more democratic than it already is.

Knowledge and Understanding

- 1 Explain the role of the governor general, and list one reason to keep this position and one reason to change it.
- 2 What reasons are there to keep the Senate? What reasons are used to justify reforming the Senate? Choose one position, and explain it.

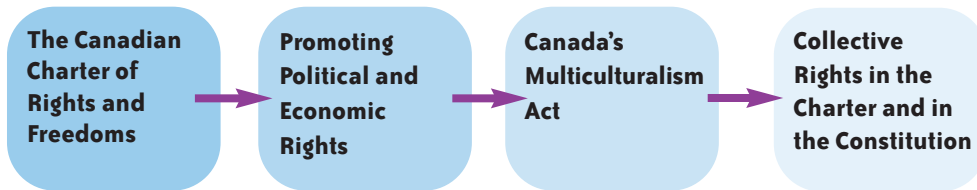
- 3 Explain one of the points of view about the Canadian political party system. To what extent does it reflect liberal values? Provide evidence to support your position.

Enhancing Individual Rights and Collective Rights

Question for Inquiry

2. In what ways can a democratic government enhance liberal values?

In this section ...



In 2004, Eddy Morten tried to book an Air Canada flight from Vancouver to San Francisco. Morten, who is blind in one eye and deaf, wanted to travel alone. Air Canada said that he had to be accompanied by an attendant. Morten said that Air Canada discriminated against him and took his case to the Canadian Human Rights Commission.

In January 2009, a Canadian Human Rights tribunal ruled that Air Canada had discriminated against Morten. The tribunal said that the airline should have assessed Morten's abilities before making its decision.

Philippe Dufresne of the Canadian Human Rights Commission, said that the tribunal's decision supported "the cornerstone principle of human rights legislation that all individuals should be given the same opportunities and chances in society." He also said that the decision sent a message "that persons with disabilities have a right to equality, respect, and dignity, and a right to make for themselves the lives they are able and wish to have."

Does the tribunal's decision in this case reflect liberal values? In a democracy, how might having legal rights and being able to exercise those rights sometimes present challenges?

In previous chapters, you explored the values of liberalism, including rights and freedoms such as the right to vote, equality of opportunity, and freedom from discrimination. You have seen how such rights and freedoms have gradually been accepted in liberal democracies as being universal—that is, they apply to everyone.

As the example of Eddy Morten makes clear, unless there are laws in place to guarantee such rights and freedoms, they may not be enjoyed by everyone. In this section you will explore how government works to promote liberal values through legislation. You will discover how legal documents such as the Canadian Constitution, the Charter of Rights and Freedoms, and the Québec Charter of Human Rights and Freedoms



Figure 13-9 ▲ This poster was created for—and is distributed by—the Canadian Human Rights Commission. What message do you think the commission is sending with this image and these words?

PAUSE AND REFLECT

Who decides which rights have priority when individual rights may be in conflict with one another or with collective rights?

function to guarantee individual rights for all of us as individuals, and collective rights for specific groups in society.

The Canadian Charter of Rights and Freedoms

The Canadian Charter of Rights and Freedoms identifies guaranteed rights and freedoms for Canadians, subject only to reasonable limitations placed on them by laws that can be justified in a democratic society. The Charter gives us the freedom to think and act in certain ways and the freedom from abuses of power by governments. It equally guarantees rights and freedoms to males and females and limits the ability of governments to pass laws or take actions that infringe on our civil rights. Without the Charter, for example, you could be arrested on your way to the movie theatre for no apparent reason. Or you might not be able to travel freely around the country. These restrictions exist in some countries that do not guarantee citizens' rights.

Rights have limits, however. You have the right to freedom of speech, but you do not have the right to make statements that promote hatred against a group of people. You have the right to be protected against unreasonable search and seizure, but that does not give you the right to refuse to allow security officers to search your luggage before you board an airplane. In both cases, your individual rights may be limited by authorities who have been given the power by society to promote public safety or protect the common good.

Federal, provincial, and territorial governments also have some power in special circumstances to limit some individual rights using what is called “the notwithstanding clause.” This clause in the Charter allows governments to pass a law that may override a part of the Charter for a limited time (up to five years). Governments in Canada rarely use this clause.

Most of the rights in the Charter are individual rights; however, there are also sections in the Charter that outline collective rights: such as recognition for Canada's official languages of French and English, minority language education rights, and rights of Aboriginal peoples.

Challenges to the Charter

Government and court interpretations of how Canadians can exercise their Charter rights and freedoms have evolved over time. As the Supreme Court's Chief Justice Beverley McLachlin has said, “The Charter is still a work in progress...Future generations will have a great role to play in shaping it.”

In June 2007, McLachlin was one of the justices who played a role in shaping the Charter. In 2002, British Columbia was faced with labour unrest among its health-care workers. Without consulting the unions representing those workers, the BC government passed the Health and Social Services Delivery Improvement Act. By this Act, employers had the

Summary of Some Individual Rights in the Canadian Charter of Rights and Freedoms (Sections 2–15)

2	Fundamental freedoms: include freedom of conscience, religion, belief, opinion, expression, assembly, and association.
3–5	Democratic rights: include the right to vote, run in elections, and join political parties. The Charter also says that federal, provincial, and territorial governments have to meet at least once a year and hold elections at least every five years, unless Canada is at war or threatened by invasion.
6	Mobility rights: include the right to enter and leave Canada, to move from one province or territory to another, and to work in any province or territory.
7–14	Legal rights: include the right to personal security against unreasonable searches and imprisonment, and, if arrested, the right to be presumed innocent until proven guilty, to be told the reasons for the arrest, to not be subjected to cruel or unusual treatment, and to have a fair trial with a reasonable timeframe with access to an interpreter (if needed).
15	Equality rights: include the right to equal protection under the law without being discriminated against because of race, national or ethnic origin, colour, religion, sex, age, or mental or physical disability.

right to ignore collective bargaining agreements they had made with health-care unions. Labour law in Canada very clearly protects the rights of workers to join unions, recognizes the rightful role of unions in collective bargaining, and provides grounds for workers and unions to appeal to the judiciary (courts) for redress and protection of their collective rights.

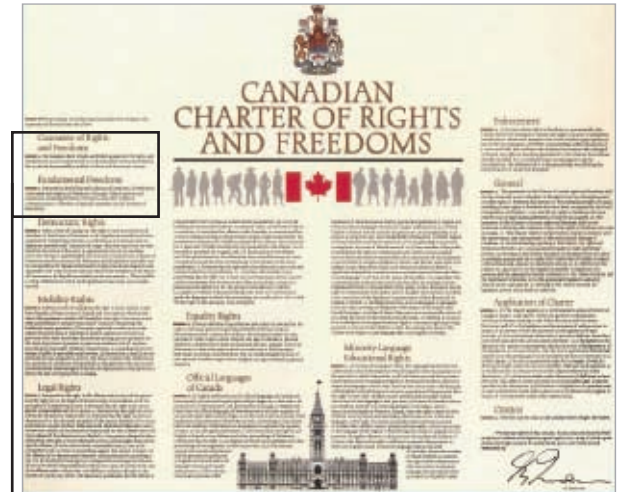


Figure 13-12 ▲ In Vancouver in April 2004, more than 40 000 members of the Hospital Employees Union stayed out on strike, even though the British Columbia government passed legislation ordering them back to work.



Figure 13-13 ▲ In January 2000, Beverley McLachlin became Canada's first female Supreme Court Chief Justice. She is shown here at her swearing-in ceremony with Justices Michel Bastarach (left) and Ian Binnie.

Figures 13-10, 13-11 (left) The Canadian Charter of Rights and Freedoms that became law in Canada on April 17, 1982. (bottom) The first two sections of the Charter.



Guarantee of Rights and Freedoms in Canada

1. The Canadian Charter of Rights and Freedoms guarantees the rights and freedoms set out in it subject only to such reasonable limits prescribed by law as can be demonstrably justified in a free and democratic society.

Fundamental Freedoms

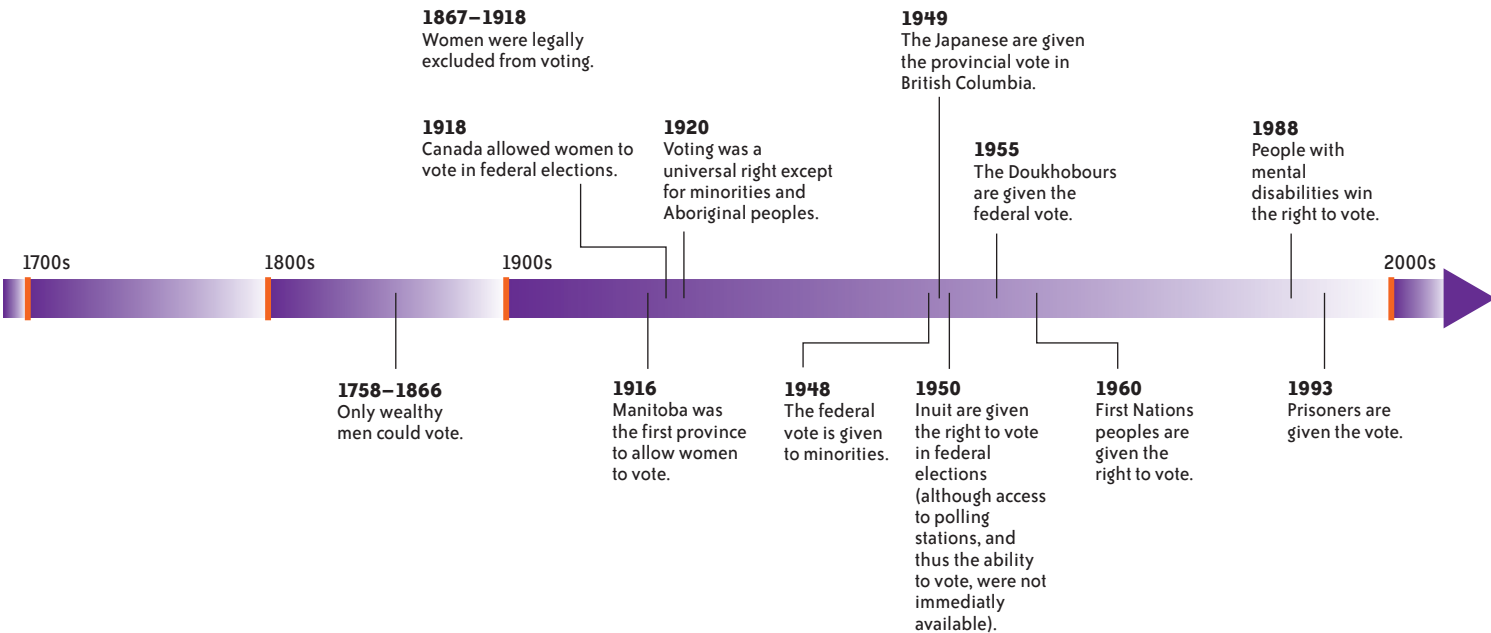
2. Everyone has the following fundamental freedoms: (a) freedom of conscience and religion; (b) freedom of thought, belief, opinion and expression, including freedom of the press and other media of communication; (c) freedom of peaceful assembly; and (d) freedom of association.

British Columbia health-care union members disagreed with the BC government's new law and took their case all the way to the Supreme Court of Canada. Union members argued that they had been denied their right to freedom of association under the Charter of Rights and Freedoms. The Supreme Court, headed by McLachlin, overturned the BC Act, saying that the Charter did indeed protect "the right of employees to associate in a process of collective action to achieve workplace goals." (Source: *Facilities Subsector Bargaining Association v. British Columbia*, [2007] 2 S.C.R. 391. Judgments of the Supreme Court of Canada, <http://csc.lexum.umontreal.ca/en/2007/2007scc27/2007scc27.html>.)

Promoting Political and Economic Rights

Historically, before the Charter of Rights and Freedoms was created, not all Canadian citizens were guaranteed individual political rights. In Figure 13-14, you can see how the vote was extended to different groups in Canada at different times. In a similar way, before the existence of the Charter, not all Canadians possessed other individual rights and freedoms.

The Canadian Constitution states that the federal government must hold elections at least every five years. This ensures that Canadians are able to decide whether they want the same political party to continue in government or another party whose members might have a different vision for Canada. It is also in the Constitution that Parliament must meet at least



▲ **Figure 13-14** Voting is a fundamental right and responsibility of all citizens living in a democracy. Why do you think some people choose not to exercise this right?

once a year. The aim of this rule is to discourage a government from undemocratic practices by ensuring that all elected members—both the members of the ruling party and the members of the opposition parties—have a say in the decisions the government is making. When there are questions about how specific parts of the Charter should be interpreted, the decision lies with the courts, and ultimately with the Supreme Court of Canada. Since 1982, many of the Supreme Court's cases have dealt with issues related to interpretations of the Charter of Rights and Freedoms.

Nonetheless, some would argue that the Charter does not go far enough in protecting individual rights. In addition to political rights, one of the values of liberalism is economic freedom. The United Nations Universal Declaration of Human Rights promotes, among other things, economic rights—such things as a life free from poverty and the right to a job and a decent wage—as basic human rights to which all people are entitled. Many countries have signed the UN declaration, including Canada. Yet few countries have incorporated these principles into their own human rights legislation, and Canada's Charter of Rights and Freedoms is no exception.

Economic Rights in Québec

The government of Québec, however, has formally acknowledged the economic rights of the people of Québec. In 1975, Québec modelled its own Charter of Human Rights and Freedoms on the UN Universal Declaration of Human Rights. Like the Canadian Charter of Rights and Freedoms, the Québec Charter promotes fundamental civil and political rights. It also aims to prevent discrimination on such grounds as race, gender, sexual orientation, age, religion, and language. In addition, the Québec Charter specifically promotes economic rights. This makes it unique among human rights legislation in North America.

Even though Québec's Charter provides protection of economic rights for its citizens, there are still those who believe that their economic rights are not being respected. The first case based on the government's obligation to protect a person's economic rights by ensuring adequate food, clothing, and housing was brought before the Québec courts by Louise Gosselin. She filed a lawsuit to force the province of Québec to increase her welfare payments. After years in the court system, the case finally reached the Supreme Court of Canada. However, in December 2002, a majority of justices found that the province of Québec had not violated Gosselin's economic rights as guaranteed by the Québec Charter. Do you think that the right to an adequate standard of living is a basic human right that all Canadians should have? To what extent does this right reflect the values of liberalism?



▲ **Figure 13-15** Québec is the only province in Canada that formally guarantees its citizens economic rights, such as free public education and financial assistance to ensure an acceptable standard of living. Why might Québec have chosen to include these economic rights (often considered social programs in other provinces) as rights for all citizens?



Figure 13-16 ▲ Multiculturalism in Canada is not just a value; it is also a government policy.

Canada's Multiculturalism Act

Canada's **Multiculturalism Act**, which was passed in 1988, aims to preserve and enhance multiculturalism in Canada. It is the policy of the government to ensure that all individuals receive equal treatment and equal protection under the law while respecting and valuing their diversity. The Act not only affirmed Canada's earlier multicultural policy, but also does the following:

- “officially recognizes the importance of Canada’s multicultural heritage and states that the heritage must be preserved and promoted
- recognizes the rights of Aboriginal peoples in Canada
- states that while English and French remain the only official languages of Canada, other languages can be spoken
- states that all Canadian citizens have equal rights, regardless of any differences they might have and regardless of skin colour, religion, country of birth, ethnic background, etc.
- recognizes the right of ethnic, linguistic, and religious minorities to keep their cultures, languages, and religious practices” (Source: “Canada’s Multicultural Policies.” Understanding Canadian Diversity Edukit, http://www.edukits.ca/multiculturalism/student/diversity_multiculturalism_e.html.)

The federal government, under Prime Minister Pierre Elliott Trudeau, first announced in 1971 that Canada would follow a policy of multiculturalism, making it the first national government in the world to do so. Canada acknowledged that it was a multicultural society in which a diversity of languages, beliefs, traditions, values, religions, and other aspects of culture are respected. Why do you think it took from 1971 to 1988 to implement the Multiculturalism Act? Was this law necessary?

Collective Rights in the Charter and in the Constitution

Canada has been shaped by the contributions of people from many different cultures and groups. Canadians have a strong commitment to pluralism. A pluralistic society reflects respect and value for the individual and collective opinions and identities of all peoples and embeds a diversity of language, beliefs, traditions, values, religions, and other aspects of culture as a part of the foundation of the country. Therefore, it is important to assess how the government protects the rights of groups to promote their identity and interests.

Much of this section will focus on the collective rights that are legally defined in the Charter of Rights and Freedoms and the Constitution: which guarantee the rights of the two official language groups, and Aboriginal peoples. The Charter and the Constitution guarantee rights to all individuals and some—but not all—groups in Canada. Collective rights are based on historical agreements related to the development of Canada and its Constitution. In Canada the term *collective rights* generally refers to these legal rights for specific groups under the Charter and the Constitution. But the term can also be used in a more general way to talk about the rights of groups of people.

Summary of Some Collective Rights in the Canadian Charter of Rights and Freedoms (Sections 16–23 and 25) and in the Canadian Constitution (Section 35)

16–22	Official language rights include the right to use English or French in all institutions of Parliament, in the courts of Canada, and in obtaining services from the federal government of Canada.
23	Minority language education rights include the provision of schools and school boards for children of Francophone and Anglophone parents in provinces where these official language groups form a minority and where the minority population is large enough to justify the cost.
25	Aboriginal rights (guaranteed in the Charter and do not take away from any aboriginal treaty or other rights or freedoms for Aboriginal peoples in Canada) include existing rights from the Royal Proclamation of 1763 and any rights or freedoms from existing or future land claim agreements.
35	Aboriginal Rights: Existing and future Aboriginal treaty rights and land claim agreements are recognized for Indian (First Nations), Inuit, and Métis (Aboriginal peoples of Canada). Aboriginal and treaty rights apply equally to male and female persons.

Figure 13-17 Some collective rights in Canada's Constitution Act, 1982

Promoting Aboriginal Rights

In Chapters 9 and 10 you examined the extent to which the Canadian government promoted the collective rights of Aboriginal people in Canada. Over time, the Canadian government created various policies and pieces of legislation, such as the Indian Act and its amendments, which affected the degree to which Aboriginal people have had their collective rights recognized. Challenges to these policies of assimilation and violations of treaty rights have resulted in land claims and issues related to collective identity and rights. Bill C-31, for example, amended the Indian Act so that it would conform to the equality provisions in the Charter.

In Canada, Aboriginal rights are guaranteed by sections 25 and 35 of the Constitution. When the federal government's negotiation process does not work for some groups, the task of interpreting and enforcing Aboriginal rights often falls to the courts, with the Supreme Court of Canada being the final authority. Some people believe that it is the responsibility of elected officials in the legislative branch of government to create laws that reflect the will of the people. They are sometimes critical of the Supreme Court for taking a lead in this regard by making landmark decisions that have wide implications on collective rights.

The Supreme Court and the Sparrow Case

The issue of protecting existing Aboriginal rights under the Charter was considered by the Supreme Court in 1990 in the Sparrow case. Traditionally, First Nations people in British Columbia had the right to fish for salmon for

PAUSE AND REFLECT

Does protecting the collective rights of Aboriginal people reflect the values of liberalism? What concerns might be raised in leaving the protection of Aboriginal rights up to the Supreme Court? Who should be protecting and promoting Aboriginal rights?



Figure 13-18 ▲ Steve and Roddy Powley were arrested and convicted in October 1993 for hunting a moose without a license. However, they argued that under Section 25 of the Charter, they had the right to hunt for food. In September 2003, the Supreme Court ruled unanimously in favour of the Powleys and upheld their right to hunt for food as members of the Sault Ste Marie Métis community. This set an important precedent for government recognition of the collective rights of Métis people.

food and for ceremonial and social purposes. However, provincial regulations limit the length of nets that can be used to catch salmon.

Musqueam fisher Ronald Sparrow was charged with violating those regulations. Sparrow took his case to the Supreme Court of Canada, arguing that the restriction violated his Aboriginal rights. In 1990, the Supreme Court justices ruled unanimously in favour of the treaty rights of the Musqueam Band, and the charges against Mr. Sparrow were dropped. The Supreme Court has since upheld many Aboriginal rights based on Aboriginal traditions and customs, with many cases citing the Sparrow case as the test or criterion that must be met by governments when they are making decisions related to the collective rights of Aboriginal people.

The Métis Harvesting Agreement

The Alberta Interim Métis Harvesting Agreement, which came into effect in October 2004, established who could exercise Métis rights to hunt and fish. It also determined where and when these rights could be exercised. The agreement raised concerns among recreational hunters and fishers and among some First Nations peoples in the province because the agreement was made without consulting them about their own hunting and fishing rights. The Interim Métis Harvesting Agreement was cancelled on July 1, 2007, and replaced with a new Métis harvesting policy. The Métis Nation of Alberta challenged the new policy arguing that it was unconstitutional, paternalistic, and environmentally unsound.

Regarding this issue, the Métis Nation of Alberta states:

Based on the Powley case, other Supreme Court of Canada decisions and a recent Alberta Court of Queen's Bench decision (R. v. Kelley), the Alberta Government is under a "constitutional imperative" to accommodate Métis harvesting rights...Métis must be consulted on [issues] that affect their constitutional rights.

—Source: "Alberta Government's Recent Changes to Subsistence Harvesting Licenses Misses Mark In Addressing Métis Harvesting Rights,"

The Métis Nation of Alberta, December 18, 2007,

<http://www.albertametis.ca/MNAHome/News-Archive/Alberta-Government-s-recent-changes-to-subsistence.aspx>.

Why is it the duty of the government to consult with the Métis community to ensure respect for their collective rights? Is it reasonable to expect that Charter issues related to collective rights be challenged in the Supreme Court and not in Parliament or a legislature?

Supporting Inuit Rights

The Inuit are recognized by the Charter of Rights and Freedoms as a founding people and entitled to collective Aboriginal rights. In addition to their own groups, they are also represented by the Inuit Tapiriit Kanatami (ITK), an organization that represents Inuit in four regions of Canada, in some situations with the federal government.

The organization notes the following challenges of having the rights of the Inuit living in the Arctic recognized:

“Despite successes on the land claims front, Inuit still face enormous challenges in their quest for equal opportunity and prosperity in Canada. Specifically, they want the federal government to recognize that Inuit have different concerns and needs from other Aboriginal people and to commit itself to Inuit-specific policies and programs. Part and parcel of a new relationship with the government is a commitment to stable and predictable funding for Inuit organizations. This is vital if Inuit are to have access to programs and services that help raise their standard of living to levels enjoyed by other Canadians.

—Source: **“About ITK.” Inuit Tapiriit Kanatami website,**
<http://www.itk.ca/about-itk>.

In 2008, ITK President Mary Simon reminded the federal government that it had a responsibility to continue to invest in Arctic health and housing projects. Statistics Canada had reported that 30 per cent of Inuit children had at some point gone hungry because the family had run out of food or money to buy food.

“Our children are our future, and we cannot fail them by allowing them to grow up in overcrowded housing, going hungry, and not supporting them in school... We want to stress again the extreme high cost of living in Arctic communities, the lack of employment opportunities, and the fact that Inuit are among the highest taxpayers in Canada. We want to work with the government of Canada to ensure programs such as Food Mail, economic development initiatives, and fiscal equity are maintained and expanded for Inuit as today’s data shows a glaring need for.”

—Source: **Mary Simon, quoted in Stephen Hendrie,**
“Statistics Canada Report Confirms Inuit Children Suffer from Lack of Food and Shelter,” December 3, 2008. Inuit Tapiriit Kanatami website,
<http://www.itk.ca/media-centre/media-releases/statistics-canada-report-confirms-inuit-children-suffer-lack-food-and-sh>.



PAUSE AND REFLECT

In what meaningful ways can the federal government and regional governments help to ensure that the collective right of the Inuit to equal opportunity in Canada is recognized?

Collective Rights of Canada’s Official Language Groups

In addition to Aboriginal peoples, Francophones and Anglophones possess certain collective rights as a result of their role in the historical foundations of Canada. However, these rights have not always been respected, as illustrated by the passing of the Manitoba Schools Act in 1890, which took away public funding from French-language Catholic schools, and coincided with abolishing French as an official language in Manitoba. By reaffirming and guaranteeing official language rights in the 1982 Constitution, the Charter of Rights and Freedoms has helped to address these issues. Sections 16 to 22 of the Charter guarantee that Canada is a bilingual country. In Parliament, federal courts, federal government offices, and the New Brunswick legislature, courts and government offices, the right to use either French or English is protected.



PAUSE AND REFLECT

How do you think official language minority education rights reinforce equality between Canada's two official languages?

The Charter of Rights and Freedoms also contains a section guaranteeing minority language educational rights. However, some groups in Canada have had to fight to have their minority rights respected.

Official Language Rights in Minority Situations

Despite guarantees in the 1982 Charter, some Francophone parents had to take legal action that went all the way to the Supreme Court of Canada to have the province of Alberta provide Francophone schools and school boards for their children, a right protected by Section 23 of the Charter. In 1990, the Supreme Court of Canada decided in favour of the parents and Alberta allowed Francophone school boards to be established to administer Francophone schools.

In 2003, a Francophone truck driver, Gilles Caron, received an English-only speeding ticket in Alberta. Caron admitted to having committed the traffic violation, but pleaded not guilty based on the claim that Alberta's Languages Act—which says that all legislation and regulations are to be enacted, printed, and published in English—is a violation of Caron's language rights as protected by Section 24(1) of the Canadian Charter. In 2008, an Alberta provincial court judge ruled that Caron's traffic ticket was not valid. In response, the Alberta government appealed the decision.

Official Language Rights in Québec

The minority language rights guaranteed in the Charter also apply to the Anglophone minority in Québec. But English language rights have become a major issue with the movement toward a more visibly Francophone Québec, including French signs in public places. Since 1993, part of the language legislation in Québec has required that “public signs and commercial advertising must be in French. They may be in French and another language provided that French is markedly predominant.”

One of the fundamental freedoms guaranteed to all Canadians in the Charter is the “freedom of thought, belief, opinion and expression, including freedom of the press and other media of communication.” This freedom is not absolute, however. Section 1 of the Charter “guarantees the rights and freedoms set out in it subject only to such reasonable limits prescribed by law as can be demonstrably justified in a free and democratic society.” In other words, our rights are limited.

But what about language laws in the province of Québec? Why does Québec limit people's freedom of expression, as protected by the Charter? Primarily, laws protecting and promoting French in Québec are seen to be for the common good of the Francophone majority of that province. By protecting the French language in Québec, Francophones are protected to some extent from the forces of assimilation that the strong English presence in North America presents.

“Francophones in Québec form a clear majority within their province, but find themselves, along with other Francophones, in a minority within Canada, and are, so to speak, no more than a drop in an Anglophone ocean, when considering the proximity of the American giant. They feel the pressure of English, which exerts a strong attraction, particularly among immigrants.”

—**Stéphane Dion, in a speech delivered at the Symposium on Language Rights, Law Faculty, Université de Moncton, Moncton, New Brunswick, February 15, 2002,**

http://www.pco-bcp.gc.ca/AIA/index.asp?lang=eng&page=archive&sub=speeches&doc=20020215_e.htm.



Francophone Rights

Many Francophones, particularly those living outside of Québec, believe that the Supreme Court of Canada has been essential in promoting their collective rights. They believe that

without the support of the Court, they would not be able to protect and preserve their language and culture.

“For the Franco-Albertan minority, it is evident that governments generally do not, and if you look at our history, have very rarely respected our rights. Without the courts, we would have disappeared.”

—**France Levasseur-Ouimet, professor emeritus, University of Alberta, January 2006.**

“[The Supreme Court’s] recognition of an official language minority—and that recognition goes out as well to Anglophones in Québec—is a huge step forward in recognizing the rights of everyone in Canada.”

—**Adèle Amyotte (principal of École Père-Lacombe in Edmonton), quoted in Ramon Gonzalez, “Francophone District Marks 10 Years.” *Western Catholic Reporter*, March 22, 2004,**
<http://www.wcr.ab.ca/news/2004/0322/french032204.shtml>.

- 1 Many Francophones outside Québec believe that provincial governments have been reluctant to recognize their rights. Why do you think governments might be slow to recognize minority rights?
- 2 How does the promotion of official language minority education rights reflect liberal values?

Consider how government choices regarding the Anglophone minority in Québec relate to liberalism. Then, consider the opposite situation, such as the Francophone minority in Alberta. How does the government’s treatment of each group reflect liberal values?

Figure 13-19 The Charter of the French Language (also known as Bill 101) is a law in Québec defining French as the only official language of the province. How might interest groups in Québec challenge this law on the basis of liberal values? How might the Québec government defend its law on the basis of these same values?



Summary

The Constitution Act of 1982 and the Charter of Rights and Freedoms provide safeguards to protect many political rights for Canadians. The Québec Charter of Human Rights and Freedoms (*La Charte des droits et libertés de la personne*) also offers protections for economic freedoms. Many individual rights are protected under the Canadian Charter. It also offers protection of collective rights of certain groups in order to honour historical agreements and the founding nations and peoples of Canada. It provides safeguards for collective rights such as official languages, official language minority education, Aboriginal rights, and labour union bargaining.

Knowledge and Understanding

- 1 Give three examples of individual rights that are protected in the Canadian Charter of Rights and Freedoms. For each example, note what might happen to an individual who did not possess this right.
- 2 The Multiculturalism Act is based in part on principles outlined for individual rights and preservation of the multicultural nature of Canada in the Charter. Explain the basic ideas of this Act and identify in what ways you believe it does or does not reflect liberal values.
- 3 List the collective rights protected by the Charter and the Constitution of Canada. Why are these collective rights protected?

Inuit Rights and the Environment

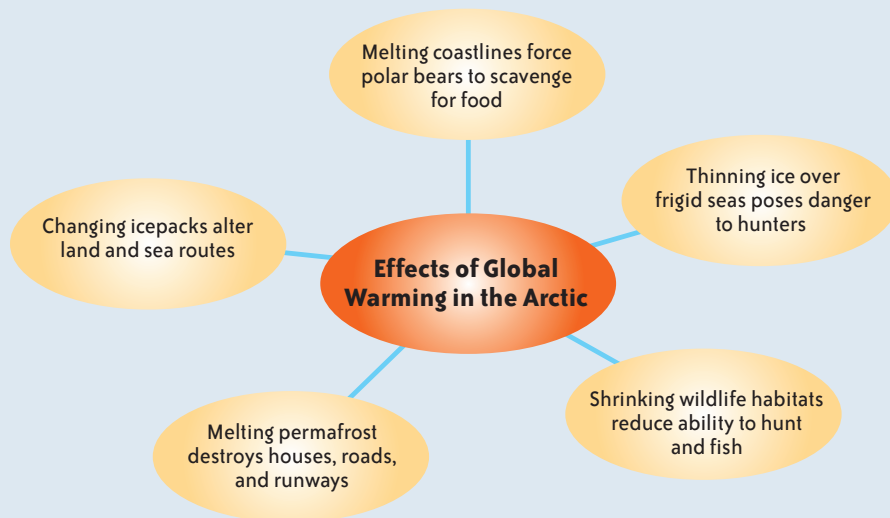
The Right to Protect One’s Environment

Something to Think About:

Is the right to protect one’s environment a basic human right?

An Example: Inuit Rights

Scientific evidence indicates that the Arctic is experiencing rapid climate change. The Inuit are witnessing these changes and experiencing their consequences first hand. As global warming increases Arctic temperatures, the landscape on which the Inuit have lived for thousands of years is being dramatically altered. Many Inuit believe that these changes to the environment are threatening their very survival in the Arctic. Is the right to protect one’s environment a basic human right? What collective rights that the Inuit possess could be affected by climate change?



◀ **Figure 13-20** This diagram highlights some of the major consequences of global warming on the Arctic environment. What impact do you think these changes have on the Inuit way of life?

In December 2005, the Inuit took action to protect their rights. Working through the Inuit Circumpolar Conference, the Inuit of Canada and Alaska filed a lawsuit against the United States, the world’s largest producer of greenhouse gas emissions. Their petition argues that while the United States makes up only 5 per cent of the world’s population, it emits 25 per cent of the world’s greenhouse gases. The Inuit are calling on the United States to respect its human rights obligations and take action to reduce the consequences of global warming on the Arctic environment.

“We are already bearing the brunt of climate change—without our snow and ice our way of life goes. We have lived in harmony with our surroundings for millennia, but that is being taken away from us. People worry about the polar bear becoming extinct by 2070 because

there will be no ice from which they can hunt seals, but the Inuit face extinction for the same reason and at the same time.”

—**Sheila Watt-Cloutier (chair of the Inuit Circumpolar Conference),**
quoted by Paul Brown in “Global Warming Is Killing Us Too,
Say Inuit.” *The Guardian*, December 11, 2003,
<http://www.guardian.co.uk/environment/2003/dec/11/weather.climatechange>.

“The rights to retain one’s culture, life, food, and health are fundamental in international law. Global warming violates these rights by melting the ice, snow, and permafrost, changing the weather, and radically altering every aspect of the Arctic environment on which Inuit lives and culture depend.”

—**Martin Wagner (Earthjustice attorney representing the Inuit Circumpolar Conference), December 7, 2005, quoted in**
“Inuit Human Rights Petition Filed over Climate Change.” *Earthjustice.org*,
<http://www.earthjustice.org/news/press/005/inuit-human-rights-petition-filed-over-climate-change.html>.

Questions for Reflection

- 1 What similarities and differences exist between this case with the Inuit peoples and the Métis Harvesting Agreement?
- 2 Do the Inuit have a good case for asking for protection of their individual and collective rights? Do some more research if you need to, and gather data. Prepare an outline position as if you were to argue the case in the Supreme Court of Canada either for or against the Inuit position. What would be strengths in your argument? What would be weaknesses? Use the chart below to assist you.

Defence of Position		
	Strong arguments	Weak arguments
Quality of argument	one or more convincing, logical arguments	simple assertions or questionable logic, or no defence of position
Quality of evidence and support	specific, accurate, valid	superficial, incomplete, incorrect, or not relevant
Understanding the issue	confident understanding of the issue and the task, and relevant social studies knowledge	minimal understanding of the issue and the task, and relevant social studies knowledge

- 3 What methods are the Inuit using to promote their rights in this case? Why are the Canadian and Nunavut governments not involved?
- 4 Do you think a country should be held responsible for its actions if those actions violate the rights of people beyond its borders? Create an argument as if you were going to present this case in court. Then examine your argument for strengths and weaknesses using the chart in question 2.

FURTHER EXPLORATION

- 1 Now that you have examined legislation to protect rights and freedoms and legislation and government practices that limit them, would you change your responses to the locker search question that you examined at the beginning of the chapter? How has the new information affected the defence of your position? Are you able to offer new ideas, or does the new information make your first argument weaker?
 - 2 What rights and freedoms do you think are the most significant in Canadian society? How do you think Canada might be different if these rights and freedoms were not included in the Charter of Rights and Freedoms?
 - 3 In groups of at least three to six people, research a current or classic precedent-setting Charter case. For example: *Vriend v. Alberta*: Gay Rights; *Hunter v. Southam Inc.*: Government Use of Search Warrants; and *Law v. Canada*: Equality Rights. Discuss and debate the judges' verdict and different perspectives on the ruling. Simulate a Supreme Court of Canada courtroom proceeding to demonstrate your group's position on the verdict. Remember that you need to defend your position with reasons and evidence in a convincing and respectful way.
 - 4 To read the cases, you may access the Supreme Court of Canada website or find plain-language summaries of cases and verdicts at the University of Alberta's Centre for Constitutional Law website. Bear in mind that these cases often deal with controversial topics that invite a variety of responses. These cases were not selected because they provide a definitive perspective on an issue, but rather because each verdict established an important legal precedent about issues in Canada. It is important to respect the points of view of those around you when discussing controversial issues.
- 4 In groups of three to five people, examine one section of the Charter of Rights and Freedoms. Create a report card for the current federal or Alberta government on how well it has promoted and protected individual or collective rights as outlined in that section. Defend your answer and support it with reasons and evidence from at least two or three personal, historical, and/or contemporary examples or sources.

Chapter Summary and Reflection

In this chapter, you examined aspects of our government that seem undemocratic. You explored how various political traditions, such as the role and practices of the **governor general** and **lieutenant-governors**, the **Senate**, and political parties, are considered by some to be undemocratic or not liberal. In addition, you considered how governments can enhance liberal values. You examined parts of the Charter of Rights and Freedoms and of the Constitution, and considered how they guarantee individual and collective rights in Canada. You

also built on your understandings from Chapters 9 and 10 about potential challenges to liberal thought by analyzing governments' role in promoting access to or recognition of collective rights.

You are now in a better position to answer the Chapter Issue: *To what extent do democratic government practices reflect the values of liberalism?* You are also more prepared to offer strong evidence to support your position on the Related Issue: *To what extent are the values of liberalism viable?*